

## PART 282—APPROVED UNDERGROUND STORAGE TANK PROGRAMS

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### §282.84 North Dakota State-Administered Program.

(a) The State of North Dakota is approved to administer and enforce an underground storage tank program in lieu of the federal program under subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 *et seq.* The State's program, as administered by the North Dakota Department of Health and Consolidated Laboratories, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this Chapter. EPA approved the North Dakota program on October 11, 1991 and it was effective on December 10, 1991.

(b) North Dakota has primary responsibility for enforcing its underground storage tank program. However, EPA retains the authority to exercise its inspection and enforcement authorities under sections 9005 and 9006 of subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, as well as under other statutory and regulatory provisions.

(c) To retain program approval, North Dakota must revise its approved program to adopt new changes to the federal subtitle I program which make it more stringent, in accordance with section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR part 281, subpart E. If North Dakota obtains approval for the revised requirements pursuant to section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this subpart and notice of any change will be published in the FEDERAL REGISTER.

(d) North Dakota has final approval for the following elements submitted to EPA in North Dakota's program application for final approval and approved by EPA on October 11, 1991. Copies may be obtained from the Underground Storage Tank Program, North Dakota Department of Health Consolidated Laboratories, 1200 Missouri Avenue, Bismarck, ND 58502-5520.

(1) *State Statutes and Regulations.* (i) The provisions cited in this paragraph are incorporated by reference as part of the underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(A) North Dakota Statutory Requirements Applicable to the Underground Storage Tank Program, 1995.

(B) North Dakota Regulatory Requirements Applicable to the Underground Storage Tank Program, 1995.

(ii) The following statutes and regulations are part of the approved state program, although not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include: North Dakota Century Code (NDCC), Chapter 23-20.3, Sections 23-20.3-06, 23-20.3-07 and 23-20.3-09.

(B) The regulatory provisions include: North Dakota Administrative Code, Chapter 33-24-08, Sections 33-24-08-56, 33-24-08-57 and 33-24-08-98.

(2) *Statement of Legal Authority.* (i) "Attorney General's Statement for Final Approval", signed by the Attorney General of North Dakota on February 28, 1991, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(ii) Letter from the Attorney General of North Dakota to EPA, February 28, 1991, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(3) *Demonstration of Procedures for Adequate Enforcement.* The "Demonstration of Procedures For Adequate Enforcement" submitted as part of the original application in April 1991, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program Description.* The program description and any other material submitted as part of the original application in April 1991, though not incorporated by reference, are referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region VIII and the North Dakota Department of Health and Consolidated Laboratories, signed by the EPA Regional Administrator on September 10, 1993, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

[60 FR 32470, June 22, 1995]

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### APPENDIX A TO PART 282—STATE REQUIREMENTS INCORPORATED BY REFERENCE IN PART 282 OF THE CODE OF FEDERAL REGULATIONS

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## § 282.84

### *North Dakota*

(a) The statutory provisions include: North Dakota Century Code (NDCC), Chapter 23–20.3, Hazardous Waste Management Act:

- Section 23–20.3–01 Declaration of Purpose.
- Section 23–20.3–02 Definitions.
- Section 23–20.3–03 Powers and Duties of the Department.
- Section 23–20.3–04 Hazardous Waste Regulations.
- Section 23–20.3–04.1 Underground Storage Tank Regulations.
- Section 23–20.3–05 Permits.
- Section 23–20.3–05.1 Fees—Deposit in Operating Fund.
- Section 23–20.3–05.2 Commercial Facility Permits and Ordinances.
- Section 23–20.3–08 Imminent Hazard.
- Section 23–20.3–10 Applicability.

(b) The regulatory provisions include: North Dakota Administrative Code (NDAC), Chapter 33–24–08, Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks, Amended April 1992:

- Section 33–24–08–01 Applicability.
- Section 33–24–08–02 Interim Prohibition for Deferred Underground Storage Tank Systems.
- Section 33–24–08–03 Definitions (Technical Standards and Corrective Action).
- Section 33–24–08–10 Performance Standards for New Underground Storage Tank Systems.
- Section 33–24–08–11 Upgrading of Existing Underground Storage Tank Systems.
- Section 33–24–08–12 Notification Requirements.
- Section 33–24–08–20 Spill and Overfill Control.
- Section 33–24–08–21 Operation and Maintenance of Corrosion Protection.
- Section 33–24–08–22 Compatibility.
- Section 33–24–08–23 Repairs Allowed.
- Section 33–24–08–24 Reporting and Recordkeeping.
- Section 33–24–08–30 General Release Detection Requirements for All Underground Storage Tank Systems.
- Section 33–24–08–31 Release Detection Requirements for Petroleum Underground Storage Tank Systems.
- Section 33–24–08–32 Release Detection Requirements for Hazardous Substance Underground Storage Tank Systems.
- Section 33–24–08–33 Methods of Release Detection for Tanks.
- Section 33–24–08–34 Methods of Release Detection for Piping.
- Section 33–24–08–35 Release Detection Recordkeeping.
- Section 33–24–08–40 Reporting of Suspected Releases.
- Section 33–24–08–41 Investigation Due to Offsite Impacts.

- Section 33–24–08–42 Release Investigation and Confirmation Steps.
- Section 33–24–08–43 Reporting and Cleanup of Spills and Overfills.
- Section 33–24–08–50 General Release Response and Corrective Action for Underground Storage Tank Systems Containing Petroleum or Hazardous Substances.
- Section 33–24–08–51 Initial Response.
- Section 33–24–08–52 Initial Abatement Measures and Site Check.
- Section 33–24–08–53 Initial Site Characterization.
- Section 33–24–08–54 Free Product Removal.
- Section 33–24–08–55 Investigations for Soil and Ground Water Cleanup.
- Section 33–24–08–60 Temporary Closure.
- Section 33–24–08–61 Permanent Closure and Changes in Service.
- Section 33–24–08–62 Assessing the Site at Closure or Change in Service.
- Section 33–24–08–63 Applicability to Previously Closed Underground Storage Tank Systems.
- Section 33–24–08–64 Closure Records.
- Section 33–24–08–80 Applicability (financial responsibility).
- Section 33–24–08–81 Financial Responsibility Compliance Dates.
- Section 33–24–08–82 Definitions (financial responsibility).
- Section 33–24–08–83 Amount and Scope of Required Financial Responsibility.
- Section 33–24–08–84 Allowable Mechanisms and Combinations of Mechanisms.
- Section 33–24–08–85 Financial Test of Self-Insurance.
- Section 33–24–08–86 Guarantee.
- Section 33–24–08–87 Insurance and Risk Retention Group Coverage.
- Section 33–24–08–88 Surety Bond.
- Section 33–24–08–89 Letter of Credit.
- Section 33–24–08–92 Trust Fund.
- Section 33–24–08–93 Standby Trust Fund.
- Section 33–24–08–94 Substitution of Financial Assurance mechanisms by Owner or Operator.
- Section 33–24–08–95 Cancellation or Nonrenewal by Provider of Financial Assurance.
- Section 33–24–08–96 Reporting by Owner or Operator.
- Section 33–24–08–97 Recordkeeping.
- Section 33–24–08–99 Release from Requirements.
- Section 33–24–08–100 Bankruptcy or Other Incapacity of Owner or Operator or Provider of Financial Assurance.
- Section 33–24–08–101 Replenishment of Guarantees, Letters of Credit, or Surety Bonds.

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